IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 20048 of 2004

Between:

Sri Kummari Anjaneyulu, S/o. Veeraiah,
R/o. Chendanagar Vill, Sherilingampalli Mandal, R.R.District.

... PETITIONER

AND

1 Joint Collector, R.R.District, Hyderabad.
2 The Revenue Divisional Officer., Chevella Division, R.R.District, Hyderabad.
3 The Mandal Revenue Officer, Sherlingampalli, (Mandal,) R.R.District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ order or direction particularly one in the nature of writ of Mandamus declaring the impugned orders dt. 21.09.2004 passed by the 1st respondent in case No.E1/6706 of 2001 wherein the original order of the 3rd respondent dt. 23.09.1999 and the appellate order of the 2nd respondent DT. 06.10.2001 were confirmed, as arbitrary, illegal and void and consequently set aside the impugned orders.

Counsel for the Petitioner: MR.K.SRINIVAS

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed, questioning the order passed by the first respondent in dismissing the revision filed by the petitioner under Section 10 of the A.P. Land Encroachment Act, 1905, contending that petitioner's forefathers were in possession of the land since more than 50 years and they have perfected their title, which was not accepted by the primary authority as well as the revisional authority. The very fact that the lands, which are in possession of the petitioners, are subject to Sivaijamabandi under Section 57 of the A.P. (Telangana Area) Land Revenue Act and the same was paid by the petitioner, which shows that his accepting unauthorized occupation of the lands belonging to the Government, for which he paid penalty.. Accordingly, revision filed by the petitioner was dismissed.

2. Learned counsel for the petitioner placed reliance on a judgment of the Supreme Court in ***Govt. of A.P. V. Tummala Krishna Rao*** . Reliance placed by the learned counsel is not relevant to the facts of the present case.

3. The impugned order does not suffer from any infirmity warranting interference by this Court. The writ petition is accordingly dismissed. No costs. If there is any standing crop, petitioner can approach the authorities with a request to harvest the same and it is always open for the petitioner to approach the competent Civil Court to establish his rights, if any.

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A. **GOPAL REDDY, J**

November 2, 2004

N.B. *Copy by tomorrow*

(B/O)

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1 Joint Collector, R.R.District, Hyderabad.
2 The Revenue Divisional Officer., Chevella Division, R.R.District, Hyderabad.
3 The Mandal Revenue Officer, Sherlingampalli, (Mandal,) R.R.District.

4 Two C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

5 Two C.D. Copies.